



Amended September 7, 2021  
Effective October 11, 2021

## **PUBLIC SAFETY ORDINANCE**

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## ARTICLE I. FIRE PREVENTION

**\*State law references:** Regulation of open burning, 12 *M.S.R.A.* §§ 9321-9326.

### Sec. 1-1. Codes adopted.

The city hereby adopts under authority of Title 30-A MRSA section 3003, for the purpose of prescribing regulations and governing conditions hazardous to life and property from fire or explosion, those certain codes known as the International Building Code, the latest edition of the Uniform Fire Code (*N.F.P.A. 1*), and the latest edition of the Life Safety Code (*N.F.P.A. 101*), as recommended by the National Fire Protection Association, being the whole thereof, of which codes not less than one (1) copy has been and is now filed in the office of the clerk of the city and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the city.

### Sec. 1-2. Application and interpretation of codes.

Wherever there appear inconsistent provisions between the Uniform Fire Code and the Life Safety Code, the stricter or more stringent of the provisions shall apply and prevail. The fire chief or his designee, in his discretion, shall determine which of the two (2) provisions is the stricter or more stringent, and the same shall apply.

### Sec. 1-3. Power to modify codes; recording required.

The Fire Chief or his designee shall have power to modify any of the provisions of the Uniform Fire Code and Life Safety Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the codes, provided that the spirit of the codes shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief or his designee thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

### Sec. 1-4. Permits Required.

Any person and/or business who by nature of storage, manufacturing, or use of hazardous and/or explosive material determined to have potential to create an additional public safety concern or may require additional fire department services shall be required to obtain a permit from the Fire Chief or his/her designee.

### Sec. 1-5 Inspection Required.

Prior to the approval of any permit or license, including but not limited to liquor licenses, victualer licenses, lodging licenses, special amusement, blasting, explosives, hazardous materials, or fireworks permit, the Fire Chief or his/her designee shall have the authority to require an inspection of the activity site prior to approval of an application.

### Sec. 1-6 Authority to Enter Buildings

Any application for, or acceptance of, any license or permit requested or issued pursuant to this ordinance shall constitute agreement and consent by the person making the application or accepting the license or permit (licensee) to allow the Fire Chief or his/her designee to enter the premises at any reasonable time after licensee receives notice to conduct such inspections as required by the Code and in accordance with Title 25 MSRA §2359.

### Sec. 1-7 Permit Fees

The City Manager with assistance from the Fire Chief shall be responsible for presenting recommendations of a permit fee schedule to the City Council. Such fee schedule is to be amended from time to time by majority vote of the Waterville City Council.

Sec. 1-8. Storage limits of flammable materials above ground.

The limits and above ground storage practices of flammable/combustible liquids or gases shall be made compliant to appropriate Code regulations. In addition, the locations of above ground storage shall be subject to the Zoning Ordinances of the City of Waterville.

Sec. 1-9. Placement of dumpsters.

Any dumpster must be placed at least twenty (20) feet from any surrounding building, unless the owner of the dumpster obtains a permit from the fire chief or his designee. Such permit shall be granted if the proposed location of the dumpster does not present a fire danger to surrounding buildings.

Sec. 1-10. Unauthorized use of dumpster.

No one may place garbage or trash in a privately-owned waste receptacle without the express permission of the owner. No one may place garbage or trash gathered from a residence or place of business in a publicly-owned waste receptacle.

*Cross references:* Solid Waste Ordinance of the City of Waterville.

Sec. 1-11. Cost Recovery Billing Authorized:

Any person and/or business who shall receive fire department services requested by such person or on behalf of such person by any other person acting in good faith and in the interest of the health or safety of such service shall pay to the City of Waterville a fee for services in accordance with Section 1-12 of this ordinance.

Sec. 1-12. Billable Costs Associated with Personnel and Apparatus:

- Response to fire permit violations;
- Response to a hazardous materials incident;
- Response to a vehicle crash and/or vehicle fire;
- Response to an aircraft crash and/or aircraft fire;
- Response to false fire and/or sprinkler alarms;
- Response to a water related emergencies;
- Standby for utility lines in the roadway;
- Any other incident as determined by the Fire Chief.

Sec. 1-13. Cost Recovery Billing:

The City shall use a third-party billing agency for claims made to insurance companies as provided by law and shall add other type incidents as allowed by law.

Sec. 1-14. Denial of Services:

Fire Department services shall not be denied to or withheld from any entity because of lack of insurance or refusal of payment.

Sec. 1-15. Cost Recovery Billing Rates & Fees:

The City Manager with assistance from the Fire Chief shall be responsible for presenting recommendations of a fee schedule to the City Council. Such fee schedule is to be amended from time to time by majority vote of the Waterville City Council.

Sec. 1-16. Revenues:

All revenues received from cost recovery or permits shall be placed in the Fire Rescue Reserve Account to the accounts limit of \$300,000.00 as set by the City Council. Any amount received above this limit shall be placed in City of Waterville General Fund or as directed by the Waterville City Council.

Sec. 1-17. Emergency Medical Services:

Section 1-11. through Section 1-16 of this ordinance does not pertain to emergency medical services billing or response.

**ARTICLE II. POLICE**

Sec. 2-1. Removal of nuisances, obstructions, impediments, inflammable matter from public ways.

The police chief or his officers shall, from time to time, inspect the streets of the city and shall order the removal or cause to be removed therefrom all nuisances, obstructions, impediments, and matter which may be dangerous on account of liability to catch fire. Such removal shall be at the expense of the person depositing the same, should he be known, otherwise at the expense of the city. The owner or occupant of premises so ordered to remove such matter shall obey the order within twenty-four (24) hours.

Sec. 2-2. Delegation of municipal officers' power to the chief of police to authorize law enforcement officers to represent the municipality in the District Court, District Seven, Division of Northern Kennebec.

In accordance with the authority granted in 30 M.R.S.A. section 2361, subsection 3, the City Council does hereby delegate its power to the Chief of Police to authorize certain law enforcement officers to represent the City in District Court, District Seven, Division of Northern Kennebec, in the prosecution of alleged violations of ordinances which the officers may enforce.

Only those law enforcement officers who are certified by the Maine Criminal Justice Academy under 25 M.R.S.A. section 2308, subsection 3-A may represent the City of Waterville under the provisions of this section 20-7. The authority and assignment of law enforcement officers hereunder shall be the responsibility of the Chief of Police or the Deputy Chief of Police. The city solicitor shall be provided at least seven (7) days prior to hearing with a listing of all docketed matters citing the specific ordinances involved.

Sec. 2-3. Police officers subject to call; report.

The police officers shall at all times, either by day or night, be subject to be called upon by the, Chief of Police or his designee to assist in quelling any riot or disturbance or arresting any offenders, or to perform any other duties of policemen that may be required of them, and they shall daily report all arrests and other acts performed by them to the chief of police.

Sec. 2-4. Permission to perform certain acts outside city limits.

Waterville Police Officers are authorized to perform the following acts outside the city limits:

- a. Arrest without a warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B, or C crime defined in Title 17-A chapters 9, 11, 13, 17, 27, or 33, as amended, while the officer is on or off duty; or
- b. Arrest without a warrant a person for a crime committed in the city:
  - (1) If the arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;
  - (2) If the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance; and
  - (3) If the arrest is authorized by Title 17-A, section 15, subsection 1, paragraph A, as amended.

As used in this section, the phrase "committed in the officer's presence or is committing in the officer's presence" has the same meaning as provided in Title 17-A, section 15, subsection 2, as amended.

### **ARTICLE III. PUBLIC ASSEMBLIES**

Sec. 3-1. Any application for organized events which will make use of City owned property must be submitted to the Parks and Recreation Department and must be approved by the Waterville Police Department and the Waterville Parks and Recreation Department. Event organizers must complete a Facility Use Application to obtain a permit. Permits are not required for events sponsored fully, or in part, by the City. In considering whether a permit shall be granted, the Waterville Chief of Police, or designee, or the Parks and Recreation Director, or designee, shall take into consideration the following:

- a. whether the event is appropriate for the requested area or facility;
- b. the health, welfare, and safety of event participants and the public;
- c. the impact of the event on City staffing and the ability of such staff to continue to provide normal daily services;
- d. whether the requested event conflicts or is incompatible with other events already permitted for the park or area;
- e. the limitations the event will place on public use of the area.

### **ARTICLE IV. MUNICIPAL SAFE ZONES**

#### **Sec. 4-1. Purpose**

The City of Waterville strives to create a safe environment for its citizens to live and raise families. To that end. Municipal safe zones may be established as it deems appropriate.

#### **Sec. 4-2. Authority**

30-A M.R.S.A. Section 3253 provides the authority for municipal officials to designate an area as a municipal safe zone.

#### **Sec. 4-3. Establishing a Municipal Safe Zone**

#### **Sec. 4.4. Hearing Required**

The City Council shall hold a public hearing when considering the establishment of a municipal safe zone. Notice must be provided not less than 7 days prior to the date of the public hearing, by providing publication in a newspaper having general circulation in the city to include the date, time, and location of the public hearing. The cost of the advertisement shall be the responsibility of the entity requesting the safe zone designation.

#### **Sec.4.5. Notice to Abutters**

Written notice of the date, time, and location of the public hearing must be mailed to the owner of record person to whom the property tax is assessed on each parcel located within 400 feet of the parcel being proposed to be designated as a safe zone. Notices must be mailed at least 14 days prior to the date of the public hearing. The City Clerk shall maintain a list of names and addresses of those persons whom a notice was mailed, when mailed, by whom, and the place of mailing, which shall constitute prima facie evidence of mailing of the notice. The cost of the mailing shall be the responsibility of the entity requesting the safe zone designation.

#### **Section 4 Cross References**

- (A) Sex Offender Safe Zone
  - 1. See Sex Offender Ordinance
- (B) On-premise Liquor Consumption
  - 1. Regulated by 28-A M.R.S.A. Sec. 701

- (C) Marijuana Establishments
  - 1. Regulated by 28-B M.R.S.A. Sec. 402.2.A
  - 2. Marijuana Ordinance, Article VI Section A. 5.a

SUMMARY: This amendment will formalize the process for establishing new Municipal Safe Zone, and will give a list cross-references for other types of safe zones.

## ARTICLE V. MISCELLANEOUS OFFENSES

### Sec. 5-1. Discharge of firearms.

No person shall discharge any firearms, including air rifles, except in self-defense, in execution of the laws, or for the destruction of some dangerous animal:

- (a) In, upon or over any of the streets, lanes or public squares;
- (b) In, upon or over any privately-owned premises without the express permission of the owner of the premises, and unless the firing is directed into a natural or artificial barrier having a sufficient depth and area to stop the missile discharged.

### Sec. 5-2. Bow and arrow.

- (a) No person may be on the property of another (including city property) while in the possession of a bow and arrow unless the person is in the presence of the owner, or has the current written permission of the owner, which permission must be carried on the person.
- (b) For city property, permission must be obtained from the director of public works or his designee, who will issue permits limited in time and location according to the needs of public safety.
- (c) This article shall not apply to the transportation of a bow and arrow in a motor vehicle, nor to archery events sponsored by the city or any school or college.

### Sec. 5-3. Curfew -- Definitions.

For purposes of sections 4-3--4-3.4, the terms, phrases, words, and their derivations shall have the meaning given herein. All of those rules of construction contained in Article I, Sec. 1-1 of the Administrative Ordinance of the City of Waterville shall be fully applicable to these curfew provisions.

*Custodian* is any person over the age of eighteen (18) who is acting instead of the parent or guardian of a minor.

*Guardian* is any person other than the parent who has legal guardianship of a minor.

*Minor* shall mean any person under the age of sixteen (16).

*Parent* is the natural or adoptive parent of a minor.

*Public place* shall mean any street, alley, town way, sidewalk, park area, playground, or place to which the general public has access and right to use such place for business, entertainment, amusement or other lawful purposes, a public place for business, by way of example, but not by limitation, includes parking areas of shopping malls and the Concourse area, and areas adjacent to restaurants and places of amusements.

### Sec. 5-3.1. Curfew -- For minors.

It shall be unlawful for any minor to remain, wander, stroll, or play in any public place either on foot or in or on any vehicle, self-propelled or otherwise, in, about, or upon any public place in the city between the hours of 10:00 p.m. and 6:00 a.m. However, the provisions of this section do not apply if a minor is accompanied by a parent, guardian, or custodian of a minor child, or a minor is on an emergency errand or specific business or activity either directed or permitted by the parent, guardian or custodian of the minor or where the presence of such minor is connected with or required by some legitimate employment or occupation.

### Sec. 5-3.2. Curfew -- Parents' responsibility.

It shall be unlawful for the parent, guardian or custodian of any minor to suffer or permit, or by negligent or inefficient control to allow, such minor to be in any public place within the hours set

for minors in Sec. 4-3.1. However, the provisions of this section do not apply if a minor is accompanied by a parent, guardian, or custodian or if the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian, or custodian, or if the parent, guardian, or custodian has notified the police department that the minor is a missing person.

**Sec. 5-3.3. Curfew -- Violation; procedures.**

- (a) Any police officer ascertaining that a minor is in violation of Sec. 4-3.1 shall direct or take the minor to the minor's home. The police officer shall forthwith attempt to contact with the minor's parents and advise the parent of the curfew violation.
- (b) The police officer shall complete a written report of the violation and detail all action taken.

**Sec. 5-3.4. Curfew -- Penalties.**

The first violation of the curfew shall result in a notification of violation to the parent, guardian, or custodian. A second violation shall result in a citation and a summons to the parent, guardian, or custodian to the district court for violation of the curfew and shall be subject to a fine of twenty-five dollars (\$25.00). Every violation resulting in a citation and a summons to court after the issuance of the first citation and summons shall carry an additional fine of twenty-five dollars (\$25.00) up to a maximum of one hundred dollars (\$100.00). Thereafter, each citation and summons shall carry a fine of not less than one hundred dollars (\$100.00) to be paid by the parent, guardian or custodian.

**ARTICLE VI. PENALTIES**

Violation of any of the provisions set forth in this ordinance shall be in accord with the civil penalties provided for in Sec. 2-9 of the Administrative Ordinance of the City of Waterville.

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Waterville City Council  
Effective: February 3, 2007  
(Ordinance 24-2006)

*As Amended August 21, 2018*  
Effective: September 11, 2018  
(Ordinance 148-2018)

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Effective: February 26, 2019  
(Ordinance 25-2019)

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Effective: November 27, 2019  
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(Ordinance 80-2020)

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Effective: August 25, 2020  
(Ordinance 164-2020)

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(Ordinance 184-2021)

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(Ordinance 192-2021)